

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

EDGAR B. GOMEZ

Debtor

Chapter 13

Case No. 16-11561-BFK

OBJECTION TO CONFIRMATION OF MODIFIED PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Modified Chapter 13 Plan filed February 8, 2017. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(6) – Feasibility & 11 U.S.C. §1325(a)(3) – Good Faith.

Debtor's spouse, Marissa Gomez is currently in her own Chapter 13 case 13-13386-BFK, wherein her Chapter 13 Plan was confirmed March 5, 2014. Marissa Gomez's confirmed Plan provides for surrender of the real property located at 8914 Grist Mill Woods Court in Alexandria, Virginia.

Similar to his wife's Chapter 13 Plan, Debtor has also proposed to surrender the real property located at 8914 Grist Mill Woods Court. However, it does not appear that Debtor or his spouse actually intends on surrendering their residence given that Debtor filed this Chapter 13 case subsequent to the lender having obtained relief from stay by an Order entered June 15, 2015 in Marissa Gomez's case. Further, both Marissa Gomez and Debtor continue to list 8914 Grist Mill Woods Court as their residence in both of their bankruptcy cases.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

Notice of Objection To Confirmation

Edgar B. Gomez, Case # 16-11561-BFK

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on March 23, 2017 at 1:30 p.m. in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: March 10, 2017

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

Notice of Objection To Confirmation

Edgar B. Gomez, Case # 16-11561-BFK

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of March, 2017, served via ECF authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Edgar B. Gomez
Chapter 13 Debtor
8914 Grist Mill Woods Court
Alexandria, VA 22309

Nathan Fisher, Esq.
Attorney for Debtor
3977 Chain Bridge Rd., #2
Fairfax, VA 22030

/s/ Thomas P. Gorman
Thomas P. Gorman